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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JOSE ALBERTO DIMAS-CAMPOS,  
  
Defendant.

CASE NO. 2:22-CR-00139 JAM

STIPULATION AND JOINT REQUEST FOR  
PROTECTIVE ORDER; ~~PROPOSED~~  
PROTECTIVE ORDER

**I. STIPULATION**

1. Plaintiff United States of America, by and through its counsel of record, and defendant Jose Alberto Dimas-Campos, by and through his counsel of record (“Defendant” and “Defense Counsel”), for the reasons set forth below, hereby stipulate, agree, and jointly request that the Court enter a Protective Order in this case restricting the use and dissemination of certain materials that could identify undercover agents and/or confidential sources.

2. This Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure, Local Rule 141.1, and its general supervisory authority.

3. On July 26, 2022, the Grand Jury returned an indictment charging Defendant with conspiracy to distribute and to possess with intent to methamphetamine, in violation of 21 U.S.C. §§ 846, 841(a)(1) (Count One), and use of a facility of interstate commerce in aid of racketeering, in violation of 18 U.S.C. § 1952(a)(3) (Count Two). On August 12, 2022, the Defendant made his initial

1 appearance on the indictment. Currently, there is a warrant outstanding for the arrest of a co-defendant  
2 charged by the indictment who has yet to make an appearance and remains a fugitive.

3 4. The government has tendered to the Defendant a discovery package consisting of various  
4 discovery materials. Not included within that discovery package are materials in the government's  
5 possession consisting of audio recordings, video recordings, and photographs depicting and  
6 documenting controlled purchases by undercover agents and cooperating informants ("the recordings").  
7 Although the government has not provided duplicate copies of the recordings, the government has made  
8 the recordings available for inspection but not duplication. The government has not provided duplicate  
9 copies of the recordings because the recordings, if disseminated, could be used to identify undercover  
10 officers and cooperating informants. Now, the government seeks to provide copies of the recordings to  
11 Defense Counsel. The government seeks to do so to aid Defense Counsel and the Defendant in the  
12 logistics of reviewing the recordings and to promote a prompt and just resolution of the case.

13 5. If the Court grants this stipulation and request, the government intends to produce  
14 duplicate copies to Defense Counsel of the recordings. Hereinafter the recordings will be referred to as  
15 "the Protected Materials" and subject to the Court's Protective Order, if issued. The government will  
16 mark the Protected Materials to distinguish materials subject to the Court's Protective Order from the  
17 other discovery materials which are not subject to the Court's Protective Order.

18 6. The parties seek to establish the procedures that must be followed by Defense Counsel,  
19 any designated employees, and any other individual who receives access to the Protected Materials in  
20 this case and the information therein.

21 7. The government proposes that it produce duplicate copies of the Protected Materials to  
22 Defense Counsel by marking them as "Protected Materials," and by designating the discovery with the  
23 bates prefix, "DIMAS-CAMPOS\_PM\_." The government further proposes that this discovery, and any  
24 subsequent material tendered by the government to Defense Counsel using the bates-prefix, shall be  
25 subject to the Court's Protective Order, if issued. Additionally, the government and Defense Counsel  
26 request that the Court enter an order directing that the Protected Materials be handled pursuant to the  
27 following conditions:

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1           a.       Defense Counsel shall not give the Protected Materials to any person other than  
2 Defense Counsel's staff assisting in preparation of the present case. The term "staff" shall include only  
3 attorneys, paralegals, legal assistants, retained experts, and investigators assisting Defense Counsel in  
4 the present matter. The term "staff" excludes the following: any other defendant in this matter or any  
5 other pending matter against the Defendant; any person involved in any case in which discovery  
6 concerning the Defendant is produced; and any other person other than those specifically authorized to  
7 see the Protected Materials under this paragraph.

8           b.       Any person receiving access to the Protected Materials from Defense Counsel  
9 shall be bound by the same obligations as Defense Counsel and, further, may not share the Protected  
10 Materials with other persons who are not "staff" assisting in the defense.

11           c.       No members of any of the Defendant's family, friends of the Defendant, personal  
12 or professional associates of the Defendant, or any other person affiliated with the Defendant shall be  
13 given access to the Protected Materials or contents thereof in any manner, for any reason.

14           d.       Defense Counsel may make copies of the Protected Materials and may take  
15 written or typed notes summarizing the Protected Materials in connection with preparation of the case.  
16 If necessary to the litigation of the instant matter, Defense Counsel may also have audio or video forms  
17 of the Protected Materials transcribed. All notes, copies, duplicates, summaries, transcripts, or other  
18 representations of or concerning the information in the Protected Materials comprises "Protected  
19 Materials" itself, must be affixed with the corresponding bates numbers, and is subject to all terms of the  
20 Court's Protective Order.

21           e.       Defense Counsel shall maintain a list of persons to whom the Protected Materials  
22 are being or have been given. Such persons shall be provided with a copy of the Court's Protective  
23 Order, shall sign their full names to a copy of the Court's Protective Order acknowledging that they  
24 understand its terms and are bound by it. If Defense Counsel is replaced for any reason, or if new  
25 counsel is appointed in any phase of the matter, the new counsel shall not have access to the Protected  
26 Materials until and unless they sign a copy of the Court's Protective Order, under the terms described in  
27 this paragraph.

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1 f. Defense Counsel may use the Protected Materials in the defense of Defendant in  
2 the instant case in any manner necessary for effective representation (*i.e.*, in motions that are filed under  
3 seal, if necessary; in *ex-parte* applications as may be needed; and in reproducing and summarizing the  
4 Protected Materials for use in trial preparation summaries, exhibits, and as evidence, as may be needed),  
5 consistent with the Court's Protective Order as it shall be originally prepared and signed.

6 g. In the event Defense Counsel needs to use the Protected Materials in a manner not  
7 authorized under the Court's Protective Order, Defense Counsel is entitled to seek to have the Protective  
8 Order amended by the Court, after having given notice to the government.

9 h. Defense Counsel and any authorized members of Defense Counsel's staff are  
10 authorized to review with Defendant the contents of the Protected Materials. Defense Counsel and  
11 authorized members of Defense Counsel's staff, however, are prohibited from giving Defendant the  
12 Protected Materials. This prohibition will not extend to the Defendant viewing the Protected Materials  
13 under Defense Counsel's supervision or prohibit the use of the Protected Materials in open court should  
14 any of these materials or summaries thereof be used in the litigation of this case.

15 i. Defense Counsel is authorized to show copies of the Protected Materials to  
16 potential witnesses in this case. Defense Counsel is prohibited, however, from giving any potential  
17 witness the Protected Materials or any memorialization of the content of the Protected Materials, or  
18 allowing any potential witness to make a copy or in any way memorialize the contents of the Protected  
19 Materials.

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WHEREFORE, the government and the Defendant respectfully request that the Court enter an order, directing that the Protected Materials be handled pursuant to the restrictions outlined above.

Respectfully Submitted,

Dated: October 14, 2022

PHILLIP A. TALBERT  
United States Attorney

By: /s/ ROBERT C. ABENDROTH  
ROBERT C. ABENDROTH  
Assistant United States Attorney

Attorney for the government

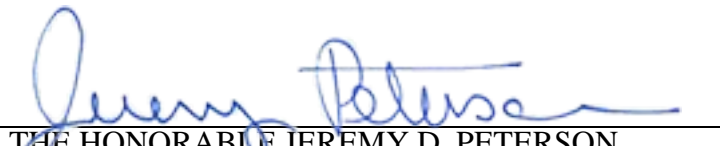
Dated: October 14, 2022

/S/CLEMENTE M. JIMENEZ  
CLEMENTE M. JIMENEZ  
Counsel for Jose Alberto Dimas-Campos

**~~[PROPOSED]~~ FINDINGS AND ORDER**

The Court having read and considered the Stipulation and Joint Request for a Protective Order, which this Court incorporates by reference into this Order in full, hereby finds that GOOD CAUSE exists to enter the above Order.

IT IS SO FOUND AND ORDERED this 17th day of October, 2022.

  
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THE HONORABLE JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE